IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION Nos.18129, 23828, 25619 of 2001 and 4818 opf 2005

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WRIT PETITION NO : 18129 of 2001

Between:

1 Union of India, represented by its Secretary, Ministry of Defence, New Delhi.
2 Director General, ATVP, Department of Defence Research & Development, Ministry of Defence, New Delhi.
3 Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4 Project Director, Ship Building Centre, Visakhapatnam.
5 Flag Officer, Commanding-in-Chief, Headquarters, Eastern Naval Command, Visakhapatnam.

..... PETITIONERS

AND

1 Kamireddy Mangu Naidu S/o.Demudu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
2 Devadula Nageswara Rao S/o.Satyanarayana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
3 Polamarasetti Sanyasi Raju S/o.Late Sanyasi Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
4 Abdul Hafiz S/o.Late Azeez,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
5 Kona Vijaya Kumar S/o.Raidu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,

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6 Lenka Eswara rao S/o.LY Patrudu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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7 Bendi Lakshmana Rao S/o.Subba Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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8 Sana Satyanarayana S/o.Nooka Raju,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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9 Emandi Devadanand S/o.Rama Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

10 Baggu Rama Krishna S/o.Subba Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

11 Gobinda Majhi S/o.Late SM Majhi,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

12 Nimai Charan Tudu S/o.BC Tudu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

13 Kolli Srinivasa Rao S/o.Late Appa Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

14 Patrapalli Prasanna Kumar S/o.Joseph,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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15 Betha Veera Venkata Satya Prasada Rao S/o.Late Sanyasi,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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16 Shaik Muzaffer Hussain S/o.SK Hussainuddin,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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17 Ponnada Divakar Rao S/o.P.Ch.S.Naidu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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18 Edi Krupadanam S/o.George,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

19 Jami Venkata Ravi Babji S/o.Late Venkata Swamy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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20 Rajendra Pradhan S/o.Late Baina Pradhan,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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21 Rapeti Appala Raju S/o.Late Ramana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

22 Thanga Samy Saravanan S/o.Thanga Samy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

23 Rongali Sanakara Rao S/o.Appala Naidu,

C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

24 Bodireddy Venkata Ramana S/o.Late Rama Murthy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

25 Tanakala Venkata Achhayya Naidu S/o.Late Apparao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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26 Matcha Venkata Ramana S/o.Appa Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

27 Tamarapalli Ananda Rao S/o.Chinnabbai,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

28 Madugula Srinivasa Rao S/o.Late MA Swamy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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29 Routhu Sathi Babu S/o.Rama Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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30 Kallempudi Srinivasa Rao S/o.Appala Naidu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

31 Metta Lakshmi Narasimha Rao S/o.Late Satyanarayana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

32 Kerru Yerrayya S/o.Polayya,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

33 Kamta Ram S/o.Ramlachhanram,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

34 Gorie Satyanarayana Murthy S/o.Satyanarayana Murthy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

35 Polamuri Subhakara Rao S/o.Late Narasimha Murthy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

36 Bharthu Gurunath S/o.Narayana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders in O.A.No.1932/2000 dt.12-3-2001 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad as illegal, arbitrary

and unsustainable in law and set aside the same.

Counsel for the Petitioners: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GENERAL)

Counsel for the Respondents: DR.P.B.VIJAY KUMAR

WRIT PETITION NO : 23828 of 2001

Between:

1. Union of India, represented by its Secretary,
Ministry of Defence, New Delhi.

2 The Director General, ATVP, Department of Defence,
Reserve and Development, Ministry of Defence, New Delhi.

3 The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4 The Project Director, Ship Building Centre, Visakhapatnam.
5 The Flat Officer, Commanding-in-Chief, Headquarters,
Eastern Naval Command, Visakhapatnam.

..... PETITIONERS

AND

Addala Tata Rao, s/o. Late A Chinna Yellayya, aged 33 years,

T.No.11231-A, Construction Assistant (Shipwright Wood).

(C/o.P.B.Vijaya Kumar, Advocate, A-9, Vijayapratap Apartments,

1/9/312/6/A&B, Atchuta Reddy Street, Vidyanagar, Hyderabad)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders in O.A.No.669/2001 dated 4.7.2001 on the file of the Central Administrative Tribunal, Hyderabad Bench, H7yderabad as illegal, arbitrary and unsustainable in law and set aside the same.

Counsel for the Petitioners: Mr.A.RAJASEKHARA REDDY (ASSISTANT SOLICITOR GENERAL)

Counsel for the Respondent: MR. P.B.VIJAYA KUMAR

WRIT PETITION NO : 25619 of 2001

Between:

1 Kamireddy Mangu Naidu S/o.Demudu,

C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

2 Devadula Nageswara Rao S/o.Satyanarayana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

3 Polamarasetti Sanyasi Raju S/o.Late Sanyasi Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

4 Abdul Hafiz S/o.Late Azeez,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

5 Kona Vijaya Kumar S/o.Raidu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

6 Lenka Eswara rao S/o.LY Patrudu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

7 Bendi Lakshmana Rao S/o.Subba Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

8 Sana Satyanarayana S/o.Nooka Raju,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

9 Emandi Devadanand S/o.Rama Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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10 Baggu Rama Krishna S/o.Subba Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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11 Gobinda Majhi S/o.Late SM Majhi,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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12 Nimai Charan Tudu S/o.BC Tudu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

13 Kolli Srinivasa Rao S/o.Late Appa Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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14 Patrapalli Prasanna Kumar S/o.Joseph,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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15 Betha Veera Venkata Satya Prasada Rao S/o.Late Sanyasi,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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16 Shaik Muzaffer Hussain S/o.SK Hussainuddin,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

17 Ponnada Divakar Rao S/o.P.Ch.S.Naidu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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18 Edi Krupadanam S/o.George,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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19 Jami Venkata Ravi Babji S/o.Late Venkata Swamy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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20 Rajendra Pradhan S/o.Late Baina Pradhan,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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21 Rapeti Appala Raju S/o.Late Ramana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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22 Thanga Samy Saravanan S/o.Thanga Samy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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23 Rongali Sanakara Rao S/o.Appala Naidu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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24 Bodireddy Venkata Ramana S/o.Late Rama Murthy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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25 Tanakala Venkata Achhayya Naidu S/o.Late Apparao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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26 Matcha Venkata Ramana S/o.Appa Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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27 Tamarapalli Ananda Rao S/o.Chinnabbai,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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28 Madugula Srinivasa Rao S/o.Late MA Swamy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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29 Routhu Sathi Babu S/o.Rama Rao,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
30 Kallempudi Srinivasa Rao S/o.Appala Naidu,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
31 Metta Lakshmi Narasimha Rao S/o.Late Satyanarayana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
32 Kerru Yerrayya S/o.Polayya,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
33 Kamta Ram S/o.Ramlachhanram,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.
34 Gorie Satyanarayana Murthy S/o.Satyanarayana Murthy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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35 Polamuri Subhakara Rao S/o.Late Narasimha Murthy,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
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36 Bharthu Gurunath S/o.Narayana,
C/o.P.B.Vijayakumar,Advocate A-9,Vijayapratap Apt., 1-9-312/6/A&B,
Atchuta Reddy Street,Vidyanagar, Hyd.

.....PETITIONERS

AND

1 Union of India, represented by its Secretary, Ministry of Defence, New Delhi.

2 Director General, ATVP, Department of Defence Research & Development, Ministry of Defence, New Delhi.
3 Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4 Project Director, Ship Building Centre, Visakhapatnam.
5 Flag Officer, Commanding-in-Chief, Headquarters, Eastern Naval Command, Visakhapatnam.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction particularly one in the nature of CERTIORARI calling for the records leading up to and including the order dated 12.3.2001 in O.A.No.1932 of 2000 insofar as it relates to not extending the benefit of difference of arrears of pay and allowances with effect from 22.4.1992 by quashing the same to this extent, direct payment of arrears of difference of pay and allowance with effect from 22.4.1992.

Counsel for the Petitioners:DR.P.B.VIJAY KUMAR

Counsel for the Respondents:MR.A.RAJASEKHARA REDDY (ASSISTANT SOLICITOR GENERAL

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WRIT PETITION NO : 4818 of 2005

Between:

1 Gontinavara Venkata Ramana, S/o. Late Gangathallu,
Construction Assistant 'A', (CAA), Ticket No.11235K, Ship Building Center (V), R/o. Door No.39-34-159, Ambetkar- Colony, Marripalem, Visakhapatnam 530 018.
2 Yanamareddy Appala Reddy, S/o. Late Varababu Reddy,
(CAA) Ticket No. 11230 Y, Ship Building Center (V), R/o. Door No.57-8-79 Gokulanagar, Kancharlapalem, Visakhapatnam 530 08.

..... PETITIONERS

AND

1 Union of India, represented by its Secretary, Ministry of Defence, New Delhi.

2 The Director General ATVP, Department of Defence Reasearch & Development, Ministry of Defence, New Delhi.
3 The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4 The Project Director, Ship Building Centre, Visakhapatnam -14.
5 The Flag Officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Naval Base Post, Visakhapatnam-14.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue any writ order or direction particularly one in the nature of Certiorari calling for the records leading up to and including the order dt. 28.09.2004 in O.A.No.1432 of 2001 and by nullifying the same allow the O.A.as prayed for duly extending the pay scale of Rs. 1200-1800 (pre-revised) with effect from the date of Petitioners induction as Tradesman (Sk.) together with arrears of difference of pay and allowance.

Counsel for the Petitioners: DR.P.B.VIJAY KUMAR

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court made the following:

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COMMON ORDER: (per GB. J.)

All these Writ Petitions can be disposed of by a common order.

2. Writ Petition Nos.18129 and 23828 of 2001 were filed by the Central Government while the respective employees filed the other Writ Petitions.

3. The applicants before the Central Administrative Tribunal (hereinafter referred to as the Tribunal) laid a claim for implementation of the Presidential Order dated 24.2.1992 claiming the scale of pay of Rs.1200-1800. Since that claim was denied to the employees concerned, some of the employees approached the Tribunal by filing O.A.No.1932 of 2000. The learned Tribunal, after considering the matter, allowed the said OA by an order 12.3.2001 and directed the fixation to be done from 24.2.1992. Against the said order, the Central Government filed Writ Petition No.18129 of 2001. Since the Tribunal for releasing physical monetary benefits fixed no date, the employees concerned filed Writ Petition No.25619 of 2001. Similarly one of the employee viz., A.Tata Rao filed O.A.No.669 of 2001 and the same was allowed by the Tribunal by an order dated 4.7.2001 on the basis of the order in OA.No.1932 of 2000. However, in this OA., the Tribunal directed the authorities to release the physical monetary benefits to the applicant therein one year prior to the date of filing of the OA. Against the said order, the Central Government filed Writ Petition No.23828 of 2001. Initially Writ Petition No.23828 of 2001 was dismissed by this Court, but, however, when a Review Application, viz., Review WPMP.No.12681 of 2004, was filed, the same was allowed by an order dated 1.10.2004 and set aside the order passed by this Court on 20.11.2001 and posted the Writ Petition for admission before the appropriate Bench. Writ

Petition No.4818 of2005 was filed by the employees assailing the orders passed by the Tribunal in O.A.No.1432 of 2001 dated 28.9.2004. It is the case of the petitioners in Writ Petition No.4818 of 2005 that the OA was erroneously dismissed without referring to the orders of the Tribunal rendered earlier in similar and identical issues were not referred to and therefore the order of the Tribunal is liable to be set aside.

4. The learned Standing Counsel for the Central Government submits that the Tribunal ought not to have entertained the application as it is hopelessly barred by time. Secondly also he submits that on merits the employees are not entitled for fixation of pay of Rs.1200-1800 as that scale is meant only for promotional posts of Highly Skilled Grade-II (HSK. Gr.II) and therefore the Tribunal ought not to have allowed the application of the petitioners.

5. As far as the limitation aspect is concerned, the Tribunal basing on the Judgment reported in MR.GUPTA vs. UNION OF INDIA[1] rejected the same on the ground that it is a case of continuing cause of action in the case of fixation of scales. We do not find any illegality in the said order as the Tribunal only direction fixation of pay from 24.2.1992 and the physical monetary benefits were given from a later date.

6. The question that calls for consideration is whether there are any merits in the Writ Petitions filed by the Central Government.

7. The learned Standing Counsel heavily relied on the contention that as the pay scale sought is a promotional post and it cannot be conferred as of right on the persons who are skilled Grade I and the employees were appointed with a specific condition that they will have to received the scale in the pay scale of Rs.950-1500. The Tribunal with reference to the Presidential Order passed on 24.2.1992 considered this aspect. In this regard paragraphs 2 to 4 are relevant, which are extracted below:

> "We have given careful consideration to the arguments advanced. The learned counsel for the applicant placed heavy reliance upon the proceedings dated 20.4.1993. The operative portion of which reads as under:
>
> "Sub: Sanction of Industrial Manpower for ATV Programme, North Yard/PTC.

Sir,

I am directed to refer to this Ministry's letter No.1 M/012/01/ATVP/720/D(R&D) dated 24 Feb 92 and to convey the sanction of the President to the creation and filling up of the following posts in relaxation of the existing ban orders:

Name of Post	Scale of Pay	No.of posts sanctioned		
		North Yard	PTC	Total
Senior Chargemen	Rs.1400/2300	4	4*	8
Tradesmen	Rs.1200-1800	120	30*	150

The sanction of the President is also hereby accorded for the induction of 60 Apprentices (non-designated) through Dockyard Apprentice School at Bombay and Visakhapatnam. The Apprentices will be paid stipend at the rates prescribed by the Government from time to time. On successful completion of apprenticeship the Apprentices shall be consideration for absorption in the grade of Tradesman against the sanction for Tradesman vide para 1 above.

The posts sanctioned shall be filled up by Naval Dockyard, Visakhapatnam. The personnel inducted will remain with Naval Dockyard till the North Yard/PTC are able to absorb them and will be posted to North Yard/PTC as and when required. The expenditure incurred by the Navy on induction of the personnel sanctioned above will be reimbursed by ATV Programme at current capitation rates applicable to corresponding categories till such time they remain with Naval Dockyard."

A perusal of the above proceedings shows that with effect from 24.2.92 certain posts of Tradesmen were sanctioned in the scale of Rs.1200-1800. Paragraph-2 of the above proceedings makes it abundantly clear that the above scale is paid to the Apprentices who had completed their apprenticeship i.e., to the Tradesmen who are appointed as Skilled. If that is so there could be no explanation for not giving the pay scale to those who had also completed their apprenticeship and were appointed in the posts of Tradesmen (Skilled) in 1992.

The contention of the respondents that only HSK Gr.II (Tradesmen) are paid Rs.1200-1800 appears to be not borne by records. The above proceedings dated 20.4.93 will not support that contention".

8. It is manifest from the above order that the Tribunal found that there is no prohibition for granting such a scale in respect of those who had completed their apprenticeship and were appointed in the posts of Tradesmen (skilled) in 1992. Since the Tribunal already recorded a finding taking into consideration the order dated 20.4.1993, we do not find any illegality or irregularity in the above order.

9. Accordingly Writ Petition Nos.18129 of 2001 and 23828 of 2001 filed by the Central Government are dismissed. No costs.

10. Now the issue that calls for consideration is as to the effective date from which the physical monetary benefits have to be released.

11. In O.A.No.669 of 2001 though the Tribunal directed the physical monetary benefits should be released from one year prior to the date of filing of the OA., no such order in respect of release of physical monetary benefits has been mentioned in OA.No.1932 of 2001. Under those circumstances we find that releasing of physical monetary benefits from the date of the order of the Tribunal would be just and equitable.

12. Accordingly we direct that the physical monetary benefits shall be released to the petitioners-employees in Writ Petition No.25619 of 2001 from the date of the order of the Tribunal. However, the notional fixation has to be done with effect from 24.2.1992.

13. Coming to the Writ Petition No.4818 of 2005, the Tribunal had dismissed OA.No.1432 of 2001 filed by the petitioners without reference to the earlier O.As. Now that the earlier order passed by the Tribunal is confirmed, the order passed in O.A.No.1432 of 2001 is set aside and the O.A. shall stands allowed granting notional fixation in terms of the Presidential Order referred to above with effect from 24.2.1992. However, the physical monetary benefits shall be given to the petitioners herein from the date of the order passed by the Tribunal viz., 28.9.2004.

14. Subject to the above directions, Writ Petition Nos.25619 of 2001 and 4818

of 2005 are disposed of. There shall be no order as to costs.

(G.BIKSHAPATHY, J.)

4th April, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Secretary, Ministry of Defence, Union of India, New Delhi.
2 The Director General ATVP, Department of Defence Reasearch & Development, Ministry of Defence, New Delhi.
3 The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
4 The Project Director, Ship Building Centre, Visakhapatnam -14.
5 The Flag Officer Commanding-in-Chief, Headquarters, Eastern Naval Command, Naval Base Post, Visakhapatnam-14.

6 The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

7 2 CD copies

8 1 CC to MR.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

*Form-NIC-OGS/WP{**CHP**}*